

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

- against -

LLOYD KIDD,

Defendant.

18 Cr. 872 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

Defendant moves (see Dkt. No. 139) for leave to appeal in forma pauperis the Court's Order (see Dkt. No. 137), dated February 5, 2024, denying Defendant's request that the Court recuse itself from this matter so that Defendant can file a motion pursuant to 28 U.S.C. Section 2255 before another judge. Defendant grounded his request for recusal upon his belief that the Court is "biased against [Defendant]." (See Dkt. No. 135.) In denying Defendant's recusal request, the Court noted that Defendant already presented to the Second Circuit his argument that this Court is biased against him, and the Second Circuit rejected the argument as meritless. (See Dkt. No. 134 at 9-10.)

Defendant's motion for leave to appeal in forma pauperis shows that his proposed appeal would merely present again to the Second Circuit an argument that the Second Circuit has already rejected as meritless. (See Dkt. No. 139 (citing brief

already presented to Second Circuit).) For these reasons, the Court hereby **DENIES** the motion (see Dkt. No. 139) for leave to appeal in forma pauperis and hereby **CERTIFIES** that Defendant's appeal is not taken in good faith.

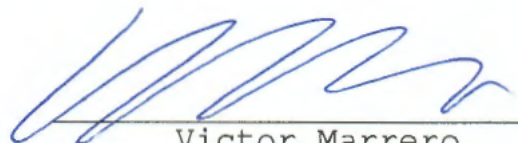
The Court further respectfully **ORDERS** the Clerk of Court to "immediately notify the parties and the court of appeals" that this Order has been issued. See Federal Rule of Appellate Procedure 24(a)(4). The Clerk of Court is further respectfully **ORDERED** to mail a copy of this Order to Defendant Lloyd Kidd, No. 86406-054, FCI Williamsburg, P.O. Box 340, Salters, S.C. 29590.

After service of this Order upon Defendant, Defendant shall have 30 days to file a motion in the Second Circuit to proceed on appeal in forma pauperis. See Federal Rule of Appellate Procedure 24(a)(5).

SO ORDERED.

Dated: 6 March 2024
New York, New York

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 3/6/24



Victor Marrero
U.S.D.J.